



March 9, 2020

VIA EMAIL AND ECF

Special Master Thomas P. Scrivo, Esq.
O'Toole Scrivo, LLC
14 Village Park Road
Cedar Grove, New Jersey 07009
tscrivo@oslaw.com

**Re: *Occidental Chemical Corp. v. 21st Century Fox America, Inc., et al.*
Docket No. 2:18-cv-11273-MCA-JAD**

Dear Special Master Scrivo:

We write on behalf of the Small Parties Group (“SPG”) to provide notice of the SPG’s Motion for Partial Summary Judgment on Occidental Chemical Corporation’s Successor Liability, filed contemporaneously herewith.

The SPG submits this notice pursuant to the Court’s Pre-26(f) Conference Scheduling Order (ECF No. 395). That order provides that parties wishing to bring dispositive motions—other than the motions to dismiss that had been filed as of the date of that order—“shall notify the Court by letter.” (ECF No. 395 at 2.)

This written notification follows verbal notification provided to you during previous status conferences. The SPG provided notice to the Court during the October 16, 2019 status conference that it wished to file two early partial summary judgment motions, including a partial summary judgment motion on OxyChem’s successor liability.¹ At that meeting, you explained that you would confer with Magistrate Dickson regarding who would render a decision or recommended decision on the motions in the first instance—the District Court Judge, the Magistrate Judge, or the Special Master.²

On November 1, 2019, the SPG’s counsel informed counsel for OxyChem that the SPG intended to file a motion for partial summary judgment that OxyChem is liable as the successor-in-interest to the Kolker and Diamond entities. OxyChem’s counsel responded that OxyChem disputes the issues but does not oppose the SPG filing its motion.

At the November 20, 2019 status conference, you informed the parties that we could file our motions in the normal course, at which point you and Judge Arleo would confer as to who would render a decision in the first instance.³

¹ Oct. 16, 2019 Conf. Tr. at 119:3–15.

² *Id.* at 119:16–120:24.

³ *Id.* at 46:16–48:1.

Thank you for your attention to this matter.

Respectfully submitted,

Common Counsel for the Small Parties Group

/s/ Jeffrey D. Talbert

**PRETI, FLAHERTY, BELIVEAU &
PACHIOS, LLP**

Jeffrey D. Talbert, Esq. (admitted *pro hac*
vice)

One City Center

Portland, ME 04101

Telephone: 207.791.3239

Email: jtalbert@preti.com

/s/ Joseph H. Blum

SHOOK, HARDY & BACON, L.L.P.

Joseph H. Blum, Esq. (NJ Bar No. 010211984)

Two Commerce Square

2001 Market Street, Suite 3000

Philadelphia, PA 19103-7014

Telephone: 215.278.2555

Email: jblum@shb.com

David R. Erickson, Esq. (admitted *pro hac*
vice)

255 Grand Boulevard

Kansas City, MO 64108-2613

Telephone: 816.474.6550

Email: derickson@shb.com